HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18010 OF 2006

DATED: 30.8.2006

Between:

Mummareddy Saroanamma

… Petitioner

and

The District Collector, Nellore
& others.

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.18010 OF 2006

ORAL ORDER:

The writ petition is filed alleging that the respondents are digging a branch canal of the Telugu Ganga Project in the petitioners lands in Sy.No.1, Oduru Village, Chillakur Mandal, Nellore District, without acquiring the lands by initiating proceedings under the Land Acquisition Act 1894.

According to the averments in the writ petition, there is not yet any interference by the respondents with the petitioners lands. It is alleged that in neighbouring lands steps have been taken for digging the branch canal.

In the circumstances, there appears no warrant for grant of relief in this writ petition. In any event, if the petitioners are sought to be unlawfully dispossessed by any person including persons under the colour of a public office, the petitioners have a plurality of remedies available. They could resist such interference by exercising the right of private defence; they may complain to the nearest police station of

criminal trespass into their property and on such complaint being made including against a person holding a public office, the police would be bound to register a complaint and take appropriate steps for investigation. The petitioners also have a remedy of approaching the civil Court of competent jurisdiction for injunctive relief.

In view of the availability of several alternative remedies and equally efficacious, this Court is not inclined to exercise jurisdiction under Article 226 of the Constitution of India on the basis of a mere apprehension. There are no merits. The writ petition is dismissed. No order as to costs.

The petitioners are however at liberty to pursue appropriate alternative remedies.

GODA RAGHURAM, J

Date: 30.8.2006
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